IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

TUESDAY, THE 20TH FEBRUARY 2007 / 1ST PHALGUNA 1928

OP.No. 12493 of 2002(K)

PETITIONERS:
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1. **V.K.K.KUTTY, SENIOR MANAGER,**
   COIR BOARD, M.G.ROAD, ERNAKULAM.

2. **T.V.MOHANAN NAIR, SENIOR MANAGER,**
   COIR BOARD SHOW ROOM, M.G.ROAD, ERNAKULAM.

3. **B.RAMACHANDRAN PILLAI, MANAGER,**
   COIR BOARD SHOW ROOM, M.G.ROAD, ERNAKULAM.

4. **V.MOOSA, SHOW ROOM MANAGER,**
   COIR BOARD SR&SD, TRIVANDRUM.

BY ADV. SRI.SUNIL JACOB JOSE

RESPONDENTS:
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1. **UNION OF INDIA, REPRESENTED BY**
   SECRETARY, MINISTRY OF AGRO & RURAL INDUSTRIES,
   NEW DELHI.

2. **CORI BOARD, COIR HOUSE, M.G.ROAD,**
   ERNAKULAM, REPRESENTED BY IT'S SECRETARY.

BY ADV. SRI.P.S.SREEDHARAN PILLAI, SCGSC
SRI.JOHN VARGHESE, SCGSC

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 20/02/2007, ALONG WITH OP.12726/2002 AND CONNECTED CASES THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH, J.

O.P.Nos.12493, 17760, 20059,
15836, 18442, 12726 & 20188 of 2002

Dated 20th February, 2007.

J U D G M E N T

The issue raised in these writ petitions pertains to the steps for recovery of entertainment allowance already granted to the petitioners. Petitioners have been working as Showroom Managers under the respondent Coir Board. The Showroom Managers were permitted to incur expenditure on entertainment at stipulated rates depending on the annual turn over. With effect from 27.11.1994, the allowance was Rs.500/- per month. The same was being paid as part of salary "on the assumption that it was an allowance". However, the disbursement of the entertainment expenditure was subject to the production of actual bills and vouchers. But it is stated in the counter affidavit that "In view of the difficulties expressed by them, they were informed that in the case of petty expenditure not supported duly with vouchers issued by the concerned they should produce at least self certified statements justifying the expenditure incurred against the "entertainment allowance" at the time of settlement of account every month, vide Circular No.CB/Adm/1994/12/1

dated 27.12.1995." It is submitted that the Managers did not comply with the above instruction. According to the petitioners, they had submitted the self certified statements.

2. Ext.R2(b) is the Government letter issued to the respondent Coir Board. To the extent relevant, the same reads as follows :-

> "I am directed to invite a reference to your letter No.CB/Adm./94/12/1 of 21st November, 2000 on the above cited subject and to say that the matter has been carefully examined in this Ministry and it is felt that the payment of entertainment allowance to Showroom Managers as a part of salary is gross irregularity. It has, therefore, been decided that Coir Board may:
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> (i) discontinue the practice of payment of entertainment allowance to Showroom Managers without production of Vouchers/Bills.
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> (ii) stick to the limit of entertainment allowance prescribed by the Government of India in 1984 viz. not exceeding Rs.200/- per month to those Showroom Managers whose annual turnover of the Showroom is above Rs.10/- lakhs. Where the annual turnover is upto and including Rs.10/- lakhs, the Showroom Managers be permitted to incur an expenditure on entertainment not exceeding Rs.100/- per month; and
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> (iii) recover the amount paid to the Showroom Managers without production of Bills/Vouchers (be at pre-revised or revised rates."

Therefore, it is fairly clear that though the disbursement of entertainment allowance was subject to the production of actual bills and vouchers, the practice followed in the Coir Board was to accept the self certified statements, until Ext.R2(b) clarification

referred to above. In the above circumstances, these writ petitions are disposed of as follows :-

For the period upto the date of issuance of Ext.R2(b), viz., 3.1.2001, it will be sufficient that the petitioners produce the self certified statements regarding the expenditure. In case any of the petitioners have not submitted the statement as above for the period for which the recovery is sought to be made, they are permitted to submit such statements within two months from today. As far as the period after 3.1.2001, it will be open to the respondents to insist on the bills/vouchers in respect of the entertainment allowance, as per Ext.R2(b). Needless to say that there shall not be any recovery in respect of the period prior to 3.1.2001, in case the petitioners submit self certified statements regarding the entertainment expenditure as state above, within two months.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.Nos.12493, 17760, 20059, 15836, 18442, 12726 & 20188 of 2002

J U D G M E N T

Dated 20th February, 2007.